

REMARKS

Claims 1-20 are pending.

In the office action that was mailed December 28, 2007, claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. pre-grant publication 2003/0186695 to Bridges et al. in view of U.S. pre-grant publication 2007/ 0124802 by Anton Jr. et al.

The Examiner asserted that *Bridges* discloses all of the limitations of claims 1 and 15, except for the limitations of those claims that require the network portion capabilities to be updateable, “responsive to access attempts made by the mobile node to access the network portions.” The Examiner cited Anton as disclosing such a feature in paragraph [0048].

Paragraph [0048] of *Anton* states that when a mobile device attempts to open a connection to a target device, the network intercepts a packet sent from the mobile device and checks the packet to see if the mobile device is authorized to have access to the Internet. If it is, a message from the mobile device is forwarded by the network accordingly. If the mobile device is not authorized, the packet from the mobile device is re-routed, by the network to a “redirection web server.” The redirection web server points the mobile device to an “authentication web server.” The mobile device then re-sends an HTTP request to the “authentication web server.” As stated in the last sentence of paragraph [0048] of *Anton*, the mobile device is redirected by the network.

Independent claims 1 and 15 have been amended to traverse the rejection. Claims 1 and 15 and the claims that depend from them are believed to now be in condition for allowance.

Paraphrased, claim 1 has been amended in the preamble to state claimed apparatus facilitates selection of a packet-data capable network by the mobile node. The first limitation of claim 1 has also been amended to recite that capabilities of networks in the listing that is kept in the storage element are updateable by the mobile node in response to the mobile node’s unsuccessful attempts to access packet data connectivity in one or more of the networks in the list. The second limitation has also been amended to recite that the selector is part of the mobile node and that the selector selects another network, not in the list, “which exhibits packet data connectivity” in order to allow the mobile node to communicate the packet data. Claim 15,

which is an independent method claim, has been amended to make its scope consistent with claim 1.

Support for the amendments to claims 1 and 15 can be found in FIG. 4, which shows in step 114 that the mobile node “marks” an access points name as “not working” if packet data connectivity could not be accomplished. Additional support can be found in FIG. 6, which shows in step 148 that an access point name that does not work is marked as such. Yet additional support can be found in the specification text that describes FIG. 4 and FIG. 6. No new matter has been added.

Paraphrased, *Anton* teaches that a mobile node should be re-directed by the network whenever the mobile node cannot gain access to a service. Amended claims 1 and 15 require the mobile node to re-direct itself by selecting whatever packet-data-capable network might be within range of the device whenever the mobile node is unable to access a packet-data-capable network that is specified in the internally-stored list.

No reference or combination of references cited by the Examiner shows or suggests the subject matter that is recited in amended claims 1 and 15. Claims 1 and 15 and the claims that depend from them are believed to be in condition for allowance. Reconsideration of claims 1-20 is therefore respectfully requested.

Respectfully submitted,

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